

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RHONDA COLLINS,

Plaintiff,

v.

DMC HOSPITAL PARTNERSHIP, ET AL.,

Defendants.

Case No. 09-11326

SENIOR UNITED STATES DISTRICT JUDGE
ARTHUR J. TARNOW

UNITED STATES MAGISTRATE JUDGE
PAUL J. KOMIVES

ORDER ON MOTIONS [56], [57], [58], [59], [60], [61], [62], [63], [64], [82],[85], [86]

Before the Court are the above motions.

On April 12, 2011, the Court heard oral arguments on the motions.

I. Defendants' Motion to Stay [56], Defendant DMC's Motion for Summary Judgment as to Plaintiff's §1983 claims [58], Defendants Lauhoff, Meixner, and Saidock's Motion for Summary Judgment as to Plaintiff's state law claims for assault and battery, false arrest and/or false imprisonment, negligence and/or gross negligence, and failure to train/supervise/hire [60], and Defendants' Motion for Stay on the Basis of Defendant Meixner's Military Service [82]

For the reasons stated on the record, these motions are **DENIED**.

II. Defendant Saidock's Motion for Summary Judgment as to Plaintiff's §1983 claims [57], Defendants' Motion for Summary Judgment of Plaintiff's claim for intentional infliction of emotional distress [62], and Defendant Berner's Motion for Partial Summary Judgment of Plaintiff's claims [63]

As indicated on the record, the parties stipulate to the dismissal without prejudice of the claims addressed in the above motions. Accordingly, the motions are deemed resolved.

Plaintiff's §1983 claims as to Defendant Saidock are **DISMISSED WITHOUT PREJUDICE**.

Plaintiff's claim for intentional infliction of emotional distress is **DISMISSED WITHOUT**

PREJUDICE. Plaintiff's claims as Defendant Berner are **DISMISSED WITHOUT**

PREJUDICE.

III. Defendants' Motion for Summary Judgment as to Plaintiff's claims "in her own capacity" under the Michigan Wrongful Death Act [59]

As stated on the record, the parties stipulate to the dismissal with prejudice of the claims addressed in the above motion. Accordingly, the motion is deemed resolved. Plaintiff's claims "in her own capacity" under the Michigan Wrongful Death Act are **DISMISSED WITH**

PREJUDICE.

IV. Defendants Meixner and Lauhoff's Motion for Summary Judgment of Plaintiff's §1983 claims on the basis of qualified immunity [61]

As stated on the record, the parties stipulate to the dismissal of the conspiracy claim addressed in the above motion. Accordingly, the motion is deemed resolved as to that issue. Plaintiff's conspiracy claim is **DISMISSED**.

For the reasons stated on the record, the remainder of the motion is **DENIED**.

V. Defendants' Motion for Summary Judgment of Plaintiff's state law claims without prejudice [64]

Plaintiff stipulates in her brief to the removal of subparagraphs c, d, e, and g of paragraph 54 of Count V from the First Amended Complaint. Accordingly, those allegations are stricken.

For the reasons stated on the record, the remainder of the motion is **DENIED**.

VI. Defendants' Motion for Qualified Protective Order and Authorization Allowing Ex Parte Interviews With Physicians and/or Medical Providers [85]

As stated on the record, the length of the interviews to be held with each doctor is restricted to two hours.

The parties indicated on the record that they have settled all remaining issues raised in this motion. Accordingly, the motion is deemed resolved.

VII. Defendants' Motion to Extend Discovery [86]

This motion seeking the scheduling of a conference was previously granted when the Court held a conference with all counsel on March 9, 2011. Accordingly, the clerk shall close this motion.

SO ORDERED.

S/ARTHUR J.TARNOW
Arthur J. Tarnow
Senior United States District Judge

Dated: April 15, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 15, 2011 by electronic and/or ordinary mail.

S/MICHAEL WILLIAMS
Case Manager